

REMARKS

Upon entry of the present amendment, claims 19, 28, 37 and 38 will have been amended, while claims 39-46 will have been submitted for consideration by the Examiner. Accordingly, claims 19-24, 27-33 and 37-46 will be pending in the present application.

In view of the herein contained amendments and remarks, taken together with the discussion with the Examiner during the telephone interview of November 18, 2003, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

In the outstanding Official Action, the Examiner rejected 19-24, 27-33, 37 and 38 under 35 U.S.C. § 102(e) as being anticipated by SMITH et al. (U.S. Patent No. 6,385,655). In discussing the SMITH et al. document, the Examiner asserted that the dedicated server 22 described therein comprises the communication apparatus of the present application. Applicant respectfully traverses. Applicant respectfully submits that the combinations of features recited in Applicant's claims are not taught disclosed nor rendered obvious by SMITH et al.

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As noted above, the Examiner has indicated that the dedicated server 22 comprises the communication apparatus which is connected to a terminal apparatus and which the Examiner identifies as the sending computer 14.

In discussing the function of the dedicated server 22, SMITH et al. describes the same as managing the transfer of documents between senders and recipients (column 5, lines 34-35). Additionally, in the paragraph starting at column 5, line 48, the dedicated server 22 is described as storing a document received from the sending computer and forwarding a message to the receiving device notifying the intended recipient of the document's transmission. However, the server of SMITH et al. is not capable of inputting a destination address independently of the sending of PC 14 in response to an input from the control panel or otherwise. The function of the server of SMITH et al. and the structure supporting such function is to provide management of transmissions between the sender and the recipient as set forth herein.

This is in direct contrast to the communication apparatus of the present invention. As defined in e.g. claim 19, the communication apparatus of the present invention is connected to a terminal apparatus via a network and includes a control panel that is configured to at least enter a destination address. Further, the communication apparatus includes an e-mail transmitter that performs an e-mail transmission to a destination in response to the input from the control panel, and a file generator that generates a communication result file that includes

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a result of the e-mail transmission communication performed by the e-mail transmitter. A memory stores the communication result file as an HTML file and a communicator transmits the communication result file to the terminal apparatus when a request for the communication result file is received from the terminal apparatus. Further, the communication result file is displayable at the terminal apparatus. It is respectfully submitted that the combination of features recited, for example in claim 19, is not taught disclosed or rendered obvious by SMITH et al.

As noted above, SMITH et al. does not disclose the combination of features recited in Applicant's invention as recited in appending claims. Accordingly, SMITH et al. is an inappropriate basis for the rejection of any of the claims in the present application under 35 U.S.C. § 102. Additionally, SMITH et al. is also submitted to provide an inappropriate basis for the rejection of any of the claims in the present application under 35 U.S.C. § 103. In particular, there is no reason or motivation for one of ordinary skill in the art to modify a server by the provision of a control panel to input a destination address therefrom. Conventionally, a server operates to manage transmission and reception of documents from other devices with the destination address already being supplied by the "other device." Accordingly, there is no basis for modifying the SMITH et al. disclosure to include the features of Applicant's invention.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection set forth in the above-mentioned Official Action, together with an indication of the allowability of all the claims pending therein, in due course. Such action is respectfully requested is now believed to be appropriate and proper.

By the present response, Applicant has submitted a number of new claims for consideration. These claims provide an additional basis for patentability in addition to that set forth above with respect to the independent claims. In this regard, the newly submitted claims 39, 41, 43 and 45 recite an input device configured to input image data to the communication apparatus, the input device being connected to the communication apparatus independently of the network (utilizing the terminology of claim 39). It is respectfully submitted that these respective features in the claimed combinations are not taught, disclosed nor rendered obvious by SMITH et al. Similarly, claims 40, 42, 44 and 46 define the input device as a scanner (utilizing the terminology of claim 40). It is respectfully submitted that SMITH et al. does not disclose a scanner as part of the server. Accordingly, these recitations provide yet an additional basis for the patentability of these respective claims.

Applicant's representative would also like to make of record a telephone interview conducted between Applicant's undersigned representative and Examiner Pokrzywa who is in charge of the present application. The above-noted interview was attended by Mr. Naoyuki Tsuchiya who represents the Assignee of the present application.

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During the above-noted interview, Applicant's representative pointed out the shortcomings of the SMITH et al. reference with respect to the features of the present invention. In particular, Applicant's representative pointed out that the communication apparatus relied upon by the Examiner in SMITH et al. is a server and does not perform the functions nor contain the structure recited in the claims of Applicant's invention. At the conclusion of the interview, the Examiner essentially agreed with Applicant's position, but indicated that an update search would have to be conducted.

The Examiner further indicated that if Applicant were to amend the claims by reciting therein the control panel, he would consider it a new issue and would deny entry of the amendment in view the status of the present application being after final rejection. In view of the above, Applicant's undersigned representative indicated that a Request for Continued Examination would be filed and the Examiner indicated that upon filing of a Request for Continued Examination with the above amendment to the claims, a first action final would not be issued with respect thereto.

The Examiner is respectfully thanked for his consideration and cooperation during the above-noted interview as well as for his positive attitude towards the features and distinctions noted by Applicant's representative.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the claims to more clearly define a feature of Applicant's invention. Applicant has also discussed the disclosure of the reference relied upon the Examiner in the rejection and has pointed out the significant and substantial shortcomings thereof with respect to the features of Applicant's invention. Applicant has further discussed the recitations of Applicant's claims and has shown how these features are not taught disclosed or rendered obvious by the reference cited by the Examiner. Accordingly, Applicant has provided a clear, evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Applicant has also discussed the newly submitted claims and provided a basis for the patentability thereof based on their respective recitations.

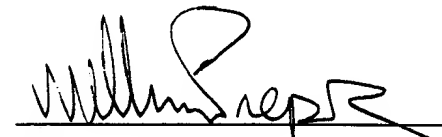
Additionally, Applicant has made a record a telephone interview conducted between Applicant's representative and the Examiner in charge of the present application.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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